

REMARKS

Claims 1-27 are all of the claims pending in the application. By this Amendment, Applicant hereby adds claims 28 and 29.

I. Summary of the Office Action

The Examiner withdrew the objection to claim 5 and the rejections of claims 1-3, 8-11, 13, and 14 under 35 U.S.C. § 112, second paragraph. The Examiner also withdrew the 35 U.S.C. § 103(a) rejections of claims 1-4, 6, 7, and 12.

The Examiner objected to claims 11 and 25. Claims 4-7 and 12 remain rejected under 35 U.S.C. § 112, second paragraph, but on new grounds. Newly added claims 18-21 are also rejected under 35 U.S.C. § 112, second paragraph. Claims 1-3, 6, and 12 are newly rejected under 35 U.S.C. § 102(e). Newly added claims 15-17 and 20 are also rejected under 35 U.S.C. § 102(e). Claims 5, 8-11, 13, and 14 remain rejected under 35 U.S.C. § 103(a), but over new references. Newly added claims 19 and 22-27 are also rejected under 35 U.S.C. § 103(a).

II. Claim Objections

Claims 11 and 25 are objected to because of alleged informalities. Applicant hereby amends claims 11 and 25, without narrowing, to cure any informalities. Applicant respectfully requests that the Examiner withdraw the objections to claims 11 and 25.

III. Claim Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 4-7, 12, and 18-21 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant hereby amends claims 4-7, 12, and 18-21 for purposes of clarity. Applicant respectfully submits that claims 4-7, 12, and 18-21 are definite.

Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 112, second paragraph rejections of claims 4-7, 12, and 18-21. Applicant further submits that claims 4, 7, 18, and 21 are allowable because they were not rejected over any prior art.

IV. Claim Rejections under 35 U.S.C. § 102(e)

Claims 1-3, 6, 12, 15-17, and 20 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0025810 to Takayama et al. (hereinafter “Takayama”). Applicant respectfully traverses these rejections and respectfully requests the Examiner to reconsider these rejections at least in light of the comments which follow.

Claim 1 recites, *inter alia*, a mobile terminal comprising the following features:

- an access point search unit for searching for peripheral connectable access points and for obtaining access point data, [... and]
- an access point data table in which the access point data detected and obtained by the access point search unit are recorded

The Examiner alleges that Takayama discloses these features. Applicant respectfully disagrees. Instead of a mobile terminal searching for peripheral connectable access points and obtaining access point data, and instead of a data table where the data obtained by the mobile terminal is recorded, according to Takayama, the station downloads hopping information of neighboring access points from the subscription access point (see paragraph 0077 of Takayama).

A person of ordinary skill in the art would understand that a mobile terminal searching for peripheral connectable access points and obtaining access point data is not the same as downloading information on neighboring access points from a single subscription access point.

According to Takayama, each of the access points (not the mobile stations) receives hopping information of the neighboring access points and constructs a database using the

received information (*see* paragraph 0018 of Takayama). Then, rather than the mobile terminal searching for access points and obtaining access point data, which is recorded in an access point data table, according to Takayama, the mobile terminal monitors the radio beacons of the connected access point and downloads the database of hopping information of the neighboring access points from the connected access point (*see* paragraph 0018 of Takayama).

Accordingly, Applicant respectfully submits that Takayama does not disclose that the mobile terminal searches for the peripheral connectable access points and obtains the access point data, which is recorded in an access point data table. At least for this reason, Applicant respectfully submits that claim 1 is patentable over Takayama.

Claim 15 recites features similar to, although not necessarily coextensive with, the features discussed above with respect to claim 1. Thus, Applicant respectfully submits that claim 15 is patentable over Takayama at least for the reasons discussed above with respect to claim 1. Applicant respectfully submits that claims 2, 3, 6, and 12 and claims 16, 17, and 20 are patentable over Takayama at least by virtue of their dependency on claims 1 and 15, respectively.

V. Claim Rejections under 35 U.S.C. § 103(a)

Claims 5 and 19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takayama in view of U.S. Patent Application Publication No. 2001/0046879 to Schramm et al. (hereinafter “Schramm”).

Claims 8, 9, 22, and 23 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takayama in view of U.S. Patent No. 6,393,282 to Iimori (hereinafter “Iimori”).

Claims 10 and 24 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takayama in view of U.S. Patent No. 5,864,578 to Yuen (hereinafter “Yuen”).

Claims 11 and 25 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takayama in view of U.S. Patent Application Publication No. 2003/0123405 to del Prado et al. (hereinafter “del Prado”).

Claims 13, 14, 26, and 27 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takayama in view of U.S. Patent Application Publication No. 2004/0063426 to Hunkeler (hereinafter “Hunkeler”).

Applicant respectfully submits that claims 5, 8-11, 13, 14, 19, and 22-27 are patentable over Takayama by virtue of their dependency on claim 1 or 15, as discussed above. Applicant further submits that the disclosure of Schramm, Iimori, Yuen, del Prado, and Hunkeler does not cure the deficiencies of Takayama with respect to claims 1 and 15. Accordingly, Applicant respectfully submits that claims 5, 8-11, 13, 14, 19, and 22-27 are patentable over the various combinations of Takayama, Schramm, Iimori, Yuen, del Prado, and Hunkeler applied by the Examiner.

VI. New Claims

Applicant hereby adds claims 28 and 29, which are supported throughout the specification. Applicant respectfully submits that claims 28 and 29 are patentable over Takayama at least by virtue of their dependency on claim 1 or 15. Applicant further submits that claims 28 and 29 are patentable over Takayama at least because Takayama does not disclose “the access point search unit obtains the access point data from the peripheral connectable access points,” as recited, *inter alia*, in claims 28 and 29.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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